

STUDENTS

Conduct Invoking Punitive Action

A. Generally

Regulations governing punitive actions for student conduct must be approved by the School Board prior to implementation.

Students may be suspended or expelled from attendance at school for sufficient cause. Punitive actions resulting in Out-of-School Suspension shall be governed by the procedures set forth in [Regulation 5-6.1](#), Policy 5-21 and Regulation 5-21.1 and [Regulation 5-21.3](#). The assignment of a student to In-School Suspension shall be governed by the procedures set forth in Regulation 5-21.2.

B. Due Process

With the requirements of fair and equitable treatment of all students and within the guidelines of ~~the applicable caselaw, and federal and state law and regulation~~ [federal judiciary, and the Code of Virginia](#), the following shall constitute the minimum due process procedures to be followed in the detention, suspension and expulsion of students.

1. The student, and parent(s)/legal guardian(s) [of minor students](#) shall be given written notice of the charges.
2. If the student denies them, the student will be provided with an explanation of the facts as known to school personnel and an opportunity to present his/[her](#) version of what occurred.
3. The student and parent(s)/legal guardian(s) [of minor students](#) shall be informed of the conditions of the disciplinary action.
4. In the case of a suspension of more than ten (10) school days or in the case of an expulsion, the hearing officer, the discipline committee members, or the School Board members should not be persons with the direct involvement in the incident or the recommended discipline, and should not have a personal or professional relationship with the student, the student's family, or the student's attorney. The hearing officer, discipline committee members, or the School Board members reserve the right to recuse themselves from a student disciplinary hearing for these reasons or other good and just cause.

If the student and parent(s)/legal guardian(s) [of a minor student](#) fail to appear, the hearing may be held in their absence and a decision may be rendered based upon the evidence that is presented.

5. The [adult student or the](#) parent/guardian of a [minor](#) student ~~or the student, if eighteen years or older,~~ may appeal the decision as provided in School Board Policy 5-21 or 5-6 [and the associated regulations](#), as appropriate.

Legal Reference:

Code of Virginia, § 22.1-78, as amended. Bylaws and regulations.

Code of Virginia, § 22.1-277.04, as amended. Short-term suspension; procedures; readmission.

Adopted by School Board: August 21, 1990

Amended by School Board: July 16, 1991

Amended by School Board: June 15, 1993 (Effective August 14, 1993)

Amended by School Board: August 2, 2000

Amended by School Board: August 21, 2001

Amended by School Board: April 4, 2006

Amended by School Board: 2018

APPROVED AS TO
LEGAL SUFFICIENCY

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